

By: Kolkhorst

H.B. No. 1376

A BILL TO BE ENTITLED

AN ACT

relating to advertising by certain facilities that provide emergency services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 241, Health and Safety Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. FREESTANDING EMERGENCY MEDICAL CARE FACILITIES

ASSOCIATED WITH LICENSED HOSPITALS

Sec. 241.181. APPLICABILITY. This subchapter applies only to a freestanding emergency medical care facility, as that term is defined by Section 254.001, that is exempt from the licensing requirements of Chapter 254 under Section 254.052(7) or (8).

Sec. 241.182. ADVERTISING. A facility described by Section 241.181 may not advertise or hold itself out as a medical office, facility, or provider other than an emergency room if the facility charges for its services the usual and customary rate charged for the same service by a hospital emergency room in the same region of the state or located in a region of the state with comparable rates for emergency health care services.

Sec. 241.183. POSTED NOTICE. Subject to Section 241.006, the department shall adopt rules for a notice to be posted in a conspicuous place in the facility described by Section 241.181 that notifies prospective patients that the facility is an emergency room and charges rates comparable to a hospital emergency room.

1       Sec. 241.184. APPLICATION OF DECEPTIVE TRADE PRACTICES ACT.

2       (a) A person who violates this subchapter commits a false,  
3       misleading, or deceptive act or practice within the meaning of  
4       Section 17.46, Business & Commerce Code.

5       (b) A public or private right or remedy under Chapter 17,  
6       Business & Commerce Code, may be used to enforce this subchapter.

7       SECTION 2. As soon as practicable after the effective date  
8       of this Act, the Department of State Health Services shall adopt  
9       rules relating to the notice required under Section 241.183, Health  
10      and Safety Code, as added by this Act.

11      SECTION 3. This Act takes effect September 1, 2013.